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REMARKS**BEST AVAILABLE COPY**1. Present Status of Patent Application

This is a full and timely response to the non-final Office Action mailed April 8, 2006. Reconsideration and allowance of the application and presently pending claims 1-16 and 18-36 are respectfully requested.

2. Response to Rejection of Claims Under 35 U.S.C. §112, First Paragraph

To advance prosecution, claims 1-16 and 18-36 have been amended to remove language that was used as the basis for a rejection under 35 U.S.C. §112, First Paragraph. Accordingly, Applicants respectfully submit that the rejection should be withdrawn, since the current claim language has adequate support in the specification and therefore complies with 35 U.S.C. §112, First Paragraph.

3. Response to Rejection of Claims Under 35 U.S.C. §103(a)

In the Office Action, claims 1-16, 18-27, 29-32, and 34-36 stand rejected under 35 U.S.C. §103(a) as allegedly anticipated by *Anderson* (U.S. Patent No. 5,499,016) in view of *Wood* (U.S. Patent No. 6,732,162). Claims 28 and 33 stand rejected under 35 U.S.C. §103(a) as allegedly anticipated by *Anderson* in view of *Wood* in further view of *Morris* (U.S. Patent No. 6,353,848). It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, e.g., *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claim 1

As provided in independent claim 1, Applicants claim:

A system for servicing imaging data comprising digital data capable of being represented as two dimensional graphics stored in a personal imaging repository by a requested web service operatively connected to a computing device requesting the service, comprising:

a computing device for requesting service with the requested web service;

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a personal imaging repository associated with a particular user profile for storing imaging data that is to be accessed by the requested web service, wherein said personal imaging repository is an exchange infrastructure between the imaging data and available web services;

user information for allowing access to said personal imaging repository; and

a requested web service for servicing the imaging data stored in said personal imaging repository responsive to a request from a user and upon having access to said personal imaging repository granted upon receiving said user profile, *wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository, said imaging data being maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to being freely used by other web services.*

Emphasis added).

Applicants respectfully submit that independent claim 1 is allowable for at least the reason that *Anderson* in view of *Wood* does not disclose, teach, or suggest at least the features "wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository, said imaging data being maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to being freely used by other web services," as recited and emphasized above in claim 1.

In contrast, *Anderson* discloses at most "a system for automatically categorizing, storing, and presenting digital images" where "a user may upload files 100 containing the images to the website 15" hosted by web server 16. Col. 2, lines 63-65. "For example, the user may log onto the website 15 and instruct the server 16 to create a photo album 26." Col. 6, lines 38-41. As such, *Anderson* teaches that the image data is made available to the hosted web server 16 and fails to teach or suggest that the image data is made available to be freely used by other web servers and respective web services. For at least this reason, *Anderson* does not teach or suggest wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository, said imaging data being maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to being freely used by other web services," as recited in the claim.

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With regard to *Wood*, the Office Action states that *Wood* teaches "the maintenance of user's digital images and graphical files in a database that makes the images and files available to other web site services." Page 4. Regardless, *Wood* fails to teach or suggest "wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository, said imaging data being maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to being freely used by other web services," as recited in claim 1. For example, at most, *Wood* discloses that data may be downloaded from or transferred away from a web server but not that data may be added to the web server from other web services.

Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Anderson* in view of *Wood* has not been made. Therefore, the rejection of claim 1 should be withdrawn.

b. Claims 2-16 and 18

Because independent claim 1 is allowable over the cited art of record, dependent claims 2-16 and 18 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims contain all the features and elements of independent claim 1. *See, e.g., In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to these claims should be withdrawn.

Additionally and notwithstanding the foregoing reasons for allowability of claims 2-7 and 9-18, these claims recite further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the cited art of record. For at least these reasons, the rejections of claims 2-7 and 9-18 should be withdrawn.

c. Claim 19

As provided in independent claim 19, Applicants claim:

A method for requesting service for imaging data comprising digital data capable of being represented as two dimensional graphics stored in a personal imaging repository having an image data store for storing the imaging data and a composition store for storing imaging compositions having links to the imaging data serviced as a single unit, through a computing device having a browser operatively connected to a requested web service, said method comprising the steps of:

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requesting service from the requested web service by the computing device;

sending user information to the requested web service enabling the web service to access the user's personal imaging repository;

accessing the personal imaging repository using the user information by the requested web service, wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository; and

servicing the selected imaging data by the requested web service responsive to user selection from the computing device, wherein said imaging data is maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to be freely used by other web services.

(Emphasis added).

Applicants respectfully submit that independent claim 19 is allowable for at least the reason that *Anderson* in view of *Wood* does not disclose, teach, or suggest at least the features "accessing the personal imaging repository using the user information by the requested web service, wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository; and servicing the selected imaging data by the requested web service responsive to user selection from the computing device, wherein said imaging data is maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to be freely used by other web services," as recited and emphasized above in claim 19.

In contrast, *Anderson* discloses at most "a system for automatically categorizing, storing, and presenting digital images" where "a user may upload files 100 containing the images to the website 15" hosted by web server 16. Col. 2, lines 33-65. "For example, the user may log onto the website 15 and instruct the server 16 to create a photo album 26." Col. 6, lines 38-41. As such, *Anderson* teaches that the image data is made available to the hosted web server 16 and fails to teach or suggest that the image data is made available to be freely used by other web servers and respective web services. For at least this reason, *Anderson* does not teach or suggest "accessing the personal imaging repository using the user information by the requested web service, wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository; and servicing the selected

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imaging data by the requested web service responsive to user selection from the computing device, wherein said imaging data is maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to be freely used by other web services," as recited in the claim.

With regard to *Wood*, the Office Action states that *Wood* teaches "the maintenance of user's digital images and graphical files in a database that makes the images and files available to other web site services." Page 4. Regardless, *Wood* fails to teach or suggest "accessing the personal imaging repository using the user information by the requested web service, wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository; and servicing the selected imaging data by the requested web service responsive to user selection from the computing device, wherein said imaging data is maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to be freely used by other web services," as recited in claim 19. For example, at most, *Wood* discloses that data may be downloaded from or transferred away from a web server but not that data may be added to the web server from other web services.

Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Anderson* in view of *Wood* has not been made. Therefore, the rejection of claim 19 should be withdrawn.

d. Claims 20-35

Because independent claim 19 is allowable over the cited art of record, dependent claims 20-35 (which depend from independent claim 19) are allowable as a matter of law for at least the reason that the dependent claims 20-25, 27, 32, and 35 contain all the features and steps of independent claim 19 and *Morris* fails to cure the deficiencies of the *Anderson* and *Wood* references. Accordingly, the rejection to these claims should be withdrawn.

Additionally and notwithstanding the foregoing reasons for allowability of claims 20-35, these claims recite further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the cited art of record. For at least these reasons, the rejections of claims 20-35 should be withdrawn.

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e. Claim 36

As provided in independent claim 36, Applicants claim:

A computer program product comprising a computer usable medium having computer readable program codes embodied in the medium that when executed cause a computer to:

request service involving imaging data comprising digital data capable of being represented as two dimensional graphics from the requested web service by the computing device;

send user information to the requested web service enabling the web service to access a personal imaging repository associated with the sent user information, the repository containing the imaging data;

accessing the personal imaging repository using the user information by the requested web service, wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository; and

servicing the selected imaging data by the requested web service responsive to user selection from the computing device, wherein said imaging data is maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to be freely used by other web services.

(Emphasis added).

Applicants respectfully submit that independent claim 36 is allowable for at least the reason that *Anderson* in view of *Wood* does not disclose, teach, or suggest at least the features "accessing the personal imaging repository using the user information by the requested web service, wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository; and servicing the selected imaging data by the requested web service responsive to user selection from the computing device, wherein said imaging data is maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to be freely used by other web services," as recited and emphasized above in claim 36.

In contrast, *Anderson* discloses at most "a system for automatically categorizing, storing, and presenting digital images" where "a user may upload files 100 containing the images to the website 15" hosted by web server 16. Col. 2, lines 33-65. "For example, the user may log onto the website 15 and instruct the server 16 to create a photo album 26." Col. 6, lines 38-41. As such, *Anderson* teaches that the image data is made available to the hosted web server 16 and fails to teach or suggest

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that the image data is made available to be freely used by other web servers and respective web services. For at least this reason, *Anderson* does not teach or suggest "accessing the personal imaging repository using the user information by the requested web service, wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository; and servicing the selected imaging data by the requested web service responsive to user selection from the computing device, wherein said imaging data is maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to be freely used by other web services," as recited in the claim.

With regard to *Wood*, the Office Action states that *Wood* teaches "the maintenance of user's digital images and graphical files in a database that makes the images and files available to other web site services." Page 4. Regardless, *Wood* fails to teach or suggest "accessing the personal imaging repository using the user information by the requested web service, wherein said requested web service has access to add data to said imaging data stored in said personal imaging repository; and servicing the selected imaging data by the requested web service responsive to user selection from the computing device, wherein said imaging data is maintained in said personal imaging repository once said imaging data is serviced for a first time, said imaging data being made available to be freely used by other web services," as recited in claim 36. For example, at most, *Wood* discloses that data may be downloaded from or transferred away from a web server but not that data may be added to the web server from other web services.

Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Anderson* in view of *Wood* has not been made. Therefore, the rejection of claim 36 should be withdrawn.

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CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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